
**Juvenile Justice & Family Law
Committee**

HB 1187

Brief Description: Eliminating mandatory minimum sentences for youthful offenders tried as adults.

Sponsors: Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa.

Brief Summary of Bill

- Removes the requirement that judges impose mandatory minimum terms of confinement for juveniles who are tried as adults.

Hearing Date: 2/1/05

Staff: Sonja Hallum (786-7092).

Background:

Generally, Juvenile Court exercises jurisdiction over criminal offenses committed by juveniles 17 years of age or younger. However, the adult court may exercise jurisdiction over an offender under the age of 18 in two circumstances. First, the court may hold a hearing and decline jurisdiction over the youth. Second, jurisdiction may be automatically transferred to adult court if the youth is 16 or 17 years old and the specific criteria for automatic transfer are met.

If the youth is convicted of the offense in adult court, he or she will be subject to the same penalties as an adult who is over the age of 18. The Sentencing Reform Act governs the sentencing of adults and juveniles prosecuted as adults. Offenders are sentenced based upon a grid which is calculated from the seriousness level given to the offense and the offender's prior criminal history. The sentencing grid contains a range of months of confinement from which the judge may choose a specific number of months as the sentence to be imposed on the defendant.

A judge may only impose a sentence outside the standard range if he or she finds aggravating or mitigating circumstances that are sufficient to support an exceptional sentence that is either above or below the standard range.

Some offenses carry a mandatory minimum sentence, meaning that the judge may not give a sentence below the period of confinement specified in the statute. These sentences cannot be reduced by factors that would be considered in a standard range sentence, such as exceptional

sentences or earned early release. Mandatory minimum sentences apply to both adults and juveniles who are tried as adults.

Summary of Bill:

The requirement that mandatory minimum sentences be imposed for juveniles who are tried as adults is removed. Judges are permitted to sentence a juvenile who is tried as an adult to any sentence within the standard range for the offense, or to impose an exceptional sentence downward. The youth would also be eligible for the same opportunity for earned early release as any person sentenced for a standard range sentence.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.